

IN THE DISTRICT COURT OF THE UNITED STATES

ORIGINAL FILED

FOR THE DISTRICT OF SOUTH CAROLINA

JUL 19 2000

COLUMBIA DIVISION

LARRY W. PROPPS, CLERK
COLUMBIA, S. C.

UNITED STATES OF AMERICA

CRIMINAL NO. 3:00-655

18 U.S.C. § 371

18 U.S.C. § 2113(a)

18 U.S.C. § 2113(d)

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 2

v.

IRVIN FLOYD McCONAGHY

TRACY LEIGH BASHAM

INDICTMENT

**MAXIMUM SENTENCE THIS COUNT FINE
OF \$250,000.00 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 5 YEARS AND A
TERM OF SUPERVISED RELEASE OF 3
YEARS (18 U.S.C. § 3583) SPECIAL
ASSESSMENT \$100.00 (18 U.S.C. § 3013)**

COUNT 1

THE GRAND JURY CHARGES:

1. From on or about January 26, 2000, to on or about February 1, 2000, in the District of South Carolina and elsewhere, IRVIN FLOYD McCONAGHY and TRACY LEIGH BASHAM knowingly and willfully did combine, conspire, confederate, agree together, and have a tacit understanding with each other and with other persons known to the grand jury, by force, violence and intimidation to take from the person and presence of another money belonging to and in the care,

custody, control, management, and possession of a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in the course of the robbery to assault, and put in jeopardy the life of another by the use of a dangerous weapon, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).;

2. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of South Carolina:

- a. In or about the latter part of January 2000, IRVIN FLOYD McCONAGHY and TRACY LEIGH BASHAM drove to the Atlanta, Georgia, area where they picked up a person known to the grand jury, and then drove on to the Columbia, South Carolina, area;
- b. On or about January 26, 2000, TRACY LEIGH BASHAM did enter the SouthTrust National Bank on Columbiana Drive in Columbia, South Carolina, to see if there was a security officer present;
- c. On or about January 26, 2000, IRVIN FLOYD McCONAGHY and a person known to the grand jury robbed the SouthTrust National Bank, a financial institution with deposits insured by the Federal Deposit Insurance Corporation, and during the robbery McCONAGHY and the other person did assault and put in jeopardy the life of another by the use of dangerous weapons, that is handguns;

All in violation of Title 18, United States Code, Section 371.

**MAXIMUM SENTENCE THIS COUNT FINE
OF \$250,000.00 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 25 YEARS AND A
TERM OF SUPERVISED RELEASE OF 5
YEARS (18 U.S.C. § 3583) SPECIAL
ASSESSMENT \$100.00 (18 U.S.C. § 3013)**

COUNT 2

THE GRAND JURY FURTHER CHARGES:

On or about May 19, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY, by force, violence and intimidation did take from the person and presence of another approximately \$29,328 belonging to and in the care, custody, control, management, and possession of First Union National Bank, Harbison Boulevard, Columbia, South Carolina, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing this violation, IRVIN FLOYD McCONAGHY did assault and put in jeopardy the life of another by the use of a dangerous weapon, that is a firearm;

In violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

SEE ATTACHED PENALTY SHEET

COUNT 3

THE GRAND JURY FURTHER CHARGES:

On or about May 19, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY knowingly did use and carry a firearm during and in relation to, and did possess a firearm in furtherance of, a crime of violence which may be prosecuted in a court of the United States, and IRVIN FLOYD McCONAGHY did brandish the firearm during the commission of said offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**MAXIMUM SENTENCE THIS COUNT FINE
OF \$250,000.00 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 25 YEARS AND A
TERM OF SUPERVISED RELEASE OF 5
YEARS (18 U.S.C. § 3583) SPECIAL
ASSESSMENT \$100.00 (18 U.S.C. § 3013)**

COUNT 4

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY, by force, violence and intimidation did take from the person and presence of another approximately \$6,092 belonging to and in the care, custody, control, management, and possession of Bank of America, Harbison Boulevard, Columbia, South Carolina, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing this violation, IRVIN FLOYD McCONAGHY did assault and put in jeopardy the life of another by the use of a dangerous weapon, that is a firearm;

In violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

SEE ATTACHED PENALTY SHEET

COUNT 5

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY knowingly did use and carry a firearm during and in relation to, and did possess a firearm in furtherance of, a crime of violence which may be prosecuted in a court of the United States, and IRVIN FLOYD McCONAGHY did brandish the firearm during the commission of said offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**MAXIMUM SENTENCE THIS COUNT FINE
OF \$250,000.00 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 25 YEARS AND A
TERM OF SUPERVISED RELEASE OF 5
YEARS (18 U.S.C. § 3583) SPECIAL
ASSESSMENT \$100.00 (18 U.S.C. § 3013)**

COUNT 6

THE GRAND JURY FURTHER CHARGES:

On or about September 17, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY, by force, violence and intimidation did take from the person and presence of another approximately \$8,811 belonging to and in the care, custody, control, management, and possession of SouthTrust National Bank, Columbiana Drive, Columbia, South Carolina, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing this violation, IRVIN FLOYD McCONAGHY did assault and put in jeopardy the life of another by the use of a dangerous weapon, that is a firearm;

In violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

SEE ATTACHED PENALTY SHEET

COUNT 7

THE GRAND JURY FURTHER CHARGES:

On or about September 17, 1999, in the District of South Carolina, IRVIN FLOYD McCONAGHY knowingly did use and carry a firearm during and in relation to, and did possess a firearm in furtherance of, a crime of violence which may be prosecuted in a court of the United States, and IRVIN FLOYD McCONAGHY did brandish the firearm during the commission of said offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**MAXIMUM SENTENCE THIS COUNT FINE
OF \$250,000.00 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 25 YEARS AND A
TERM OF SUPERVISED RELEASE OF 5
YEARS (18 U.S.C. § 3583) SPECIAL
ASSESSMENT \$100.00 (18 U.S.C. § 3013)**

COUNT 8

THE GRAND JURY FURTHER CHARGES:

On or about January 26, 2000, in the District of South Carolina, IRVIN FLOYD McCONAGHY and other persons known to the grand jury, by force, violence and intimidation did take from the person and presence of another approximately \$15,987 belonging to and in the care, custody, control, management, and possession of SouthTrust National Bank, Columbiana Drive, Columbia, South Carolina, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing this violation, IRVIN FLOYD McCONAGHY and a person known to the grand jury did assault and put in jeopardy the life of another by the use of a dangerous weapon, that is a firearm;

In violation of Title 18, United States Code, Sections 2113(a) and 2113(d) and Section 2.

SEE ATTACHED PENALTY SHEET

COUNT 9

THE GRAND JURY FURTHER CHARGES:

On or about January 26, 2000, in the District of South Carolina, IRVIN FLOYD McCONAGHY and another person known to the grand jury knowingly did use and carry firearms during and in relation to, and did possess firearms in furtherance of, a crime of violence which may be prosecuted in a court of the United States, and IRVIN FLOYD McCONAGHY and the other person did brandish the firearms during the commission of said offense;

In violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

A TRUE BILL

FOREPERSON

J. RENÉ JOSEY (DAE)
UNITED STATES ATTORNEY

Possible penalties for 18 USC 924(c):

For offenses occurring after November 13, 1998

18 USC 924(c)(1)(A)(i) - a consecutive term of imprisonment of not less than five (5) years nor more than life, a fine of \$250,000, and a term of supervised release of five (5) years, plus a special assessment of \$100.00.

18 USC 924(c)(1)(A)(ii) - if the firearm is brandished - a consecutive term of imprisonment of not less than seven (7) years nor more than life, a fine of \$250,000, and a term of supervised release of five (5) years, plus a special assessment of \$100.00.

18 USC 924(c)(1)(A)(iii) - if the firearm is discharged - a consecutive term of imprisonment of not less than ten (10) years, nor more than life, a fine of \$250,000, and a term of supervised release of five (5) years, plus a special assessment of \$100.00.

18 USC 924(c)(1)(B)(i) - if the firearm is a short-barreled rifle, short-barreled shotgun, or semi-automatic assault weapon - a consecutive term of imprisonment of not less than ten (10) years nor more than life, a fine of \$250,000, and a term of supervised release of five (5) years, plus a special assessment of \$100.00.

18 USC 924(c)(1)(B)(ii) - if the firearm is a machinegun, or a destructive device, or is equipped with a firearm silencer or firearm muffler - a consecutive term of imprisonment of not less than thirty (30) years nor more than life, a fine of \$250,000, and a term of supervised release of five (5) years, plus a special assessment of \$100.00.

SECOND OR SUBSEQUENT CONVICTION OF 924(c)(1)

18 USC 924(c)(1)(C)(i) - a consecutive term of imprisonment of not less than twenty-five (25) years nor more than life, a fine of \$250,000, and a term of supervised release of five years, plus a special assessment of \$100.00.

18 USC 924(c)(1)(C)(ii) - if the firearm is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler - life imprisonment, no parole, a fine of \$250,000, plus a special assessment of \$100.00.